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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

027392-000410US

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on _____

Signature _____

Typed or printed
name _____

Application Number

09/981,626

Filed

October 16, 2001

First Named Inventor

Peter Melchior

Art Unit

3689

Examiner

Paul Fisher

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/ASKamlay/

Signature

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/06)

Aaron S Kamlay

Typed or printed name

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Registration number _____

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Telephone number

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

May 4, 2011

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Peter Melchior

Application No.: 09/981,626

Filed: Oct 16, 2001

For:

Purchase order amendment and negotiation
in a full service trade system

Confirmation No.: 7032

Examiner: Paul Fisher

Art Unit: 3689

PRE-APPEAL BRIEF REQUEST FOR
REVIEW

Mail Stop Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Commissioner:

Applicants respectfully request review of the Final Rejection in the pending application prior to submission of an Appeal Brief. A Notice of Appeal is submitted herewith.

Applicants respectfully submit that the pending rejection contains at least two clear errors, as explained in further detail below. First, the rejection presumes cites to art that discloses security procedures, controls, and systems designed to manage programmers during a development phase of a system. The rejection presumes that one of skill in the art would adapt these development practices for use by end users of the final system, although the art of record does not so indicate. Second, the rejection does not show that the cited art discloses the specifically-recited features of different users having different rights with regard to electronically proposing and/or accepting modifications to a purchase order agreement.

Independent claim 4 recites, *inter alia*,

the system is configured to recognize different seller agent users have different rights with regard to electronically proposing modifications to the purchase order agreement and electronically accepting proposed modifications to the purchase order agreement;

the system is configured to recognize different buyer agent users have different rights with regard to electronically proposing modifications to the purchase order agreement and electronically accepting proposed modifications to the purchase order agreement; and

the system is configured so that the proposed modifications to the purchase order agreement, and the accepting proposed modifications to the purchase order agreement, are allowed by the microprocessor based on the respective buyer and seller agents' rights.

The Office Action cites to Cornelius as teaching these features, in a disclosure of a workflow management system.

Cornelius discloses a network system for initiation of agreements between buyers and sellers. The first portion of Cornelius' disclosure, through column 35, line 15, describes this network system. The second part of Cornelius' disclosure, from column 35, line 16 onward, describe software development frameworks and environments that can be used to create the network system described in the first part of the disclosure. The "users" in this portion of the disclosure are programmers, not buyers or sellers (users) of the completed system described in the first portion of Cornelius. The only cited portion of Cornelius that relates to buyers and sellers within the operating system, i.e., the end users of the system, is in column 34, which suggests authenticating a buyer using a password. However, this authentication is simply unrelated to the developer-based access rights disclosed in the later portions of Cornelius.

The portions of Cornelius relied upon by the Office Action do not disclose anything related to the use of specific access rights for buyers and/or sellers, i.e., the end users of Cornelius' system. Rather, they only relate to the development environment established for programmers of the workflow system. There is no suggestion in Cornelius to use or modify the development framework principles that were used to design the system with the end users of the completed system. The Office Action and Advisory Action also provide no argument or evidence to show why one of skill in the art would adapt a development environment to apply to end users of the final, developed system. This argument is provided in further detail in the after-final reply filed on March 4, 2011.

Further, as argued in the September 11, 2009 and September 21, 2010 Amendments, even if the difference between developers and end users in Cornelius is ignored, Cornelius deals with

workflow management and security. The relied-upon portions of Cornelius do not disclose the relevant features of recognizing different seller agent users have different rights with regard to electronically proposing modifications to a purchase order agreement and electronically accepting proposed modifications to the purchase order agreement, recognizing different buyer agent users have different rights with regard to electronically proposing modifications to the purchase order agreement and electronically accepting proposed modifications to the purchase order agreement, or accepting proposed modifications to the purchase order agreement based on the respective buyer and seller agents' rights as recited in claim 4.

The Office Action references portions of Cornelius that describe how a buyer and seller "are allowed to negotiate payment terms of a transaction using a chatroom" and "the identity of the buyer may be authenticated using a password." However, allowing negotiation of terms in a chatroom, and authenticating using a password, do not correspond to the specifically recited features regarding systems and methods including different seller and buyer agent users with different rights with regard to proposing modifications, and accepting proposed modifications, to a purchase order agreement, or allowing the proposed modifications to the purchase order agreement, and the accepting proposed modifications to the purchase order agreement, based on the respective buyer and seller agents' rights.

Barnes also does not disclose the features for which it is cited. Barnes is directed to limiting the products/services available for acquisition consistent with a user's level of authorization for the acquisition of the goods/services from the supplier. These features do not reasonably correspond to the claimed features regarding recognizing different seller agent users have different rights with regard to proposing modifications to the purchase order agreement and accepting proposed modifications to the purchase order agreement. Nor do they reasonably correspond to recognizing different buyer agent users have different rights with regard to proposing modifications to the purchase order agreement and accepting proposed modifications to the purchase order agreement. For example, limiting the products/services available for acquisition to a user does not reasonably correspond to different rights with regard to proposing modifications to the purchase order agreement and accepting proposed modifications to the purchase order agreement.

Moreover, the limitations placed on what is presented to the user in Barnes do not reasonably correspond to different seller agent users. Thus, Barnes cannot reasonably be considered to have suggested the features lacking in the other cited references.

Independent claims 18, 24, and 32 recite similar features to those discussed with respect to claim 4, and are allowable for at least the same reasons. The dependent claims are allowable for at least the same reasons as the independent claims.

For at least these reasons, Applicants respectfully submit that the Final Office Action contains clear errors, and the rejection of all the pending claims should be withdrawn.

Respectfully Submitted,

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DATE: May 4, 2011
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